IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5521 OF 2004.
IN
CRIMINAL APPEAL NO. 458 OF 2004.

Shaikh Mohammed Issak. ..Applicant.

Versus.

The State of Maharashtra. ..Respondent.

Mr.K.P.Pande, advocate for the applicant.

Mr. D.S.Mhaispurkar, APP for the State.

CORAM: S.B.MHASE &
ANOOP V. MOHTA, JJ.

DATE : DECEMBER 23, 2004.

P.C.:

1. Heard Mr. K.P.Pande, the learned counsel for the applicant and Mr. D.S.Mhaispurkar, the learned APP for the State.

2. This is an application for temporary bail on the ground that the marriage of the daughter of the applicant/accused is to be performed on 27th December, 2004 at Chandresh Chhaya II, Lodha Complex, Naya Nagar, Mira Road (E), Dist. Thane. Marriage of the daughter of applicant/accused Lubna is settled with Sharjil, son of Yakoobbhai J. Shaikh. Father of

Sharjil, Yakoobbhai J. Shaikh has also filed an affidavit alongwith the invitation card to the effect that the said marriage has been settled and is being performed at the above referred address on Monday 27th December, 2004. In view of this we are satisfied that the cause is genuine one. Wife and daughter of the applicant/accused are present here and they have also told us that the marriage has been settled accordingly. Looking to the cause, we are inclined to grant temporary bail for a period of two weeks from the date of his release from the jail.

3. At this stage, we enquire with the learned counsel for the applicant/accused what should be the conditions of the bail and the learned counsel on consultation with the wife of the accused Ashma and Yakoobbhai Shaikh who is father of the bridegroom states that they are ready to give cash security of Rs.2 Lakhs. Mr. Mhaispurkar, the learned APP for the State submits that apart from the cash security, daily attendance should be directed and the confirmed address be obtained from the present persons.

4. After considering all these facts, we pass following order.

(i) The sentence passed by the learned Addl.Sessions Judge, Gr.Mumbai on 8/3/2004 in Sessions Case No.710 of 1989 is hereby temporarily suspended for a period of two weeks from the date of the release of the accused from the jail on deposit of the amount of Rs.2 Lakhs in this Court by way of a security for the bail. The amount will be deposited by the wife of the accused Ashma by tomorrow i.e.24/12/2004. On deposit of the said amount, appropriate release order for temporary period of two weeks be released through the Registrar(Judicial).

(ii) We further direct that the period of two weeks shall run from the date of actual release from the jail till the date of surrender.

(iii) Everyday the applicant shall attend Mira Road Police Station at about 9 to 10 a.m. We make it clear that any single default in attending the police station will result into forfeiture of the bail amount deposited with

this court.

(iv) We further direct that in case of absence in reporting and/or in case of non-surrender after the period immediately, police will take immediate steps for the arrest of the accused/applicant.

(v) Applicant is directed to submit address.

5. Application is accordingly disposed of.

(ANOOP V. MOHTA,J.) **(S.B.MHASE,J.)**

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